

REMARKS

Claims 1, 3, 5-9, 11, 13, 15-24, 26, and 27 are pending in the application. Claims 26 and 27 are withdrawn from consideration. Claims 1, 3, 5-9, 11, 13, and 15-24 have been rejected.

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the following remarks is respectfully requested. The following rejections have been applied:

I. Claims 1, 3, 5-9, 13, and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gallo et al. US 2003/0107636, as evidenced by Lawrence et al. US 6,454,404, in view of Landry-Coltrain et al. US 2003/0138608.

II. Claims 1, 3, 5-9, 11, 13, and 15-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gallo et al., as evidenced by Lawrence et al. in view of Tang et al. US 6,632,485.

It is noted that both rejections are predicated on obviousness with Gallo et al. being the primary reference. Applicants previously submitted a Declaration Under Rule 131 signed by one of the co-inventors of the instant application, to establish a date of invention prior to the effective prior art date of the Gallo et al. reference. The Examiner has responded by indicating that such previously submitted Declaration is not acceptable for the reasons: 1: An averment that the invention was made in the United States or in a NAFTA or WTO member country is missing; and 2: The Declaration was not executed by each of the inventors, it was executed by one of the inventors only.

Submitted herewith is a further Declaration Under Rule 131 to establish a date of invention prior to the effective prior art date of the Gallo et al. reference. Such further Declaration addresses the defects noted by the Examiner, in that it is signed by both of the co-inventors of the instant application, and includes a statement that the invention was conceived of and actually reduced to practice in the United States of America prior to June 12, 2003. **AS SUCH DECLARATION SIMPLY ADDRESSES THE SPECIFIC DEFICIENCIES NOTED BY THE EXAMINER, NO NEW ISSUES ARE PRESENTED THAT WOULD REQUIRE FURTHER SUBSTANTIAL SEARCH AND CONSIDERATION BY**

**THE EXAMINER, AND ENTRY OF SUCH DECLARATION AFTER FINAL
REJECTION IS ACCORDINGLY RESPECTFULLY REQUESTED.**

In view of the foregoing remarks and declaration submitted herewith, the Gallo et al. reference has been removed as an effective prior art publication under 35 USC 102(a). Further, Applicants' previously submitted Statement of Common Ownership serves to remove the Gallo et al. reference as an effective 35 USC 102(e) reference for use under 35 USC 103. Claims 1, 3, 5-9, 11, 13, and 15-24 are accordingly believed to be allowable and such favorable action is courteously solicited.

It is further requested that withdrawn claims 26 and 27, directed to a method of using the element of claim 1 be rejoined with the remainder of the claims as provided in accordance with MPEP 806.05(h).

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Andrew J. Anderson
Attorney for Applicant(s)
Registration No. 33,564

Andrew J. Anderson:clb
Rochester, NY 14650
Telephone: (585) 722-9662
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.